

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4859-01  
Bill No.: HB 1463  
Subject: Children and Minors; Criminal Procedure; Crimes and Punishment  
Type: Original  
Date: February 4, 2014

---

Bill Summary: This proposal requires the juvenile officer in specified cases to make an evaluation within 48 hours of detention of the juvenile as to whether the offense was the result of third-party enticement, exploitation, or coercion.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Federal Funds	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>	<b>(Could exceed \$100,000)</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Social Services** assume an unknown fiscal impact of greater than \$100,000. §211.065.3 3 describes procedural and reporting requirements for the juvenile officer when the results of the evaluation conclude with a determination that third party involvement of enticement, exploitation, or coercion was a factor in the commission of the juvenile's offense. The juvenile officer would be required in this instance to file a report with the court detailing the third party involvement and the juvenile would be released immediately from detention and ordered into the temporary legal custody of the children's division for protective custody. The juvenile could not be returned to the legal or physical custody of the person or persons who had such custody prior to the juvenile being taken into custody without a court order. In addition, the juvenile officer shall immediately notify the law enforcement agency where the offense occurred of his or her determination that such offense was the result of enticement, exploitation, or coercion by a third party.

This section would have an unknown fiscal impact on the children's division as it requires the juvenile court to release juveniles detained for certain offenses into the custody of the children's division when the evaluation determines the juvenile's offenses to be the result of enticement, exploitation or coercion by a third party. While this provision is limited to juvenile's being detained for prostitution offenses, sexual offenses and habitual runaways determined to be the victims of enticement, exploitation and coercion by a third party it is unknown how many juveniles detained under these provisions would result in placement into the Children's Division's custody. Based upon this unknown impact, the children's division would anticipate an unknown impact of greater than \$100,000 impact. The average cost of care for one child placed in the custody of the children's division for one year is \$20,134. If the juvenile court placed just 5 children in the custody of the children's division as the result of this provision, the children's division would have a fiscal impact greater than \$100,000.

With the unknown factors of how many additional juveniles would be placed into the custody of the Children's Division, or the length of the duration of the custody, **Oversight** will reflect a fiscal impact of '(Could exceed \$100,000).'

Officials at the **Department of Corrections**, the **Department of Public Safety - Missouri Highway Patrol**, the **Office of Prosecution Services**, the **Office of the State Public Defender** and the **Office of the State Courts Administrator** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials at the **Springfield Police Department**, the **Columbia Police Department**, the **Sheriff of Jackson County** and the **Boone County Sheriff's Department** each assume no fiscal impact to their respective organizations from this proposal.

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Cole County Sheriff Department, Independence Police Department, Jefferson City Police Department, Platte County Sheriff's Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department and the St. Louis Metropolitan Police Department did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
---	---------------------	---------	---------

**GENERAL REVENUE FUND**

<u>Costs</u> - Department of Social Services - placement of children in division (60% split)	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
--	-------------------------------------	-------------------------------------	-------------------------------------

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>
---	--	--	--

**FEDERAL FUNDS**

<u>Costs</u> - Department of Social Services - placement of children in division (40% split)	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )	(Could exceed <u>\$100,000</u> )
--	-------------------------------------	-------------------------------------	-------------------------------------

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>	<b>(Could exceed <u>\$100,000</u>)</b>
--	--	--	--

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

This bill requires any juvenile who is taken into custody for prostitution, for committing any sexual offense, or for being a runaway when the juvenile has previously been adjudicated as a runaway on two or more occasions to be placed in detention and may be held for up to 48 hours during which time the juvenile officer must make an evaluation to determine whether the offense committed by the juvenile was the result of enticement, exploitation, or coercion by a third party. The juvenile office must immediately file a notice of detention under this provision with the court. If the juvenile officer determines the offense was not the proximate result of enticement, exploitation, or coercion by a third-party, the officer must, within the 48-hour period, file a report with the court detailing that there was no third-party involvement. Upon receipt of the report, the court must immediately order that a detention hearing be held within 24 hours of receipt of the report. If the hearing is not held within one day, excluding Saturdays, Sundays, and legal holidays, the juvenile must be released from detention unless the court for good cause orders the hearing continued. Notice of the date, time, and place of a detention hearing and of the right to counsel must be given to the juvenile and his or her custodian in an expeditious method as is available. The court must also order a detention hearing within one business day if the juvenile officer fails to submit a report to the court.

If the juvenile officer determines the offense was the proximate result of enticement, exploitation, or coercion by a third-party, the officer must, within the 48-hour period, file a report with the court detailing the third-party involvement. Upon receipt of the report, the court must immediately order that the juvenile be released from detention and transferred into the temporary legal custody of the Division of Family Services within the Department of Social Services. The juvenile must not be returned to the legal or physical custody of the person or persons who had custody prior to the juvenile's detainment. The juvenile officer must immediately notify the law enforcement agency where the offense occurred of his or her determination. If the court fails to receive a report from the juvenile officer with 48 hours of notice of the detention, the court must immediately order that a detention hearing be held within 24 hours. If the hearing is not held within one day, excluding Saturdays, Sundays, and legal holidays, the juvenile must be released from detention unless the court for good cause orders the hearing continued. Notice of the date, time and place of a detention hearing, and of the right to counsel must be given to the juvenile and his or her custodian in an expeditious method as is available. Once the juvenile officer has made a determination that there was third-party enticement, exploitation, or coercion, law enforcement officers investigating the allegation of third-party involvement must, at their

FISCAL DESCRIPTION (continued)

request, be allowed unhindered access to question the juvenile as a victim. Any information obtained by law enforcement from the juvenile that incriminates him or her in the commission of the offense must be used in the prosecution of the juvenile. The juvenile must be advised of his or her rights as specified in the bill prior to the questioning. The proposed legislation appears to have no direct fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Office of Prosecution Services  
Office of the State Public Defender  
Department of Public Safety - Missouri Highway Patrol  
Department of Corrections  
Springfield Police Department  
Columbia Police Department  
Boone County Sheriff's Department  
Sheriff of Jackson County  
Department of Social Services

Mickey Wilson, CPA  
Director  
February 4, 2014



Ross Strope  
Assistant Director  
February 4, 2014

L.R. No. 4859-01  
Bill No. HB 1463  
Page 7 of 7  
February 4, 2014

NM:LR:OD